



General Assembly

February Session, 2012

Raised Bill No. 5430

LCO No. 1983

01983_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT ELIMINATING THE REQUIREMENT THAT THERE BE WITNESSES TO A CONVEYANCE OF LAND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-5 of the general statutes of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2012*):

4 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
5 is a natural person, subscribed, with or without a seal, by the grantor
6 with his own hand or with his mark with his name annexed to it or by
7 his attorney authorized for that purpose by a power executed [,
8 acknowledged and witnessed] and acknowledged in the manner
9 provided for conveyances or, if the grantor is a corporation, limited
10 liability company or partnership, subscribed by a duly authorized
11 person; and (3) acknowledged by the grantor, his attorney or such duly
12 authorized person (A) to be his free act and deed, or (B) in any manner
13 permitted under chapter 6 or chapter 8. [; and (4) attested to by two
14 witnesses with their own hands.]

15 (b) In addition to the requirements of subsection (a) of this section,

the execution of a deed or other conveyance of real property pursuant to a power of attorney shall be deemed sufficient if done in substantially the following form:

19 Name of Owner of Record
20 By: (Signature of Attorney-in-Fact) L.S.
21 Name of Signatory
22 His/Her Attorney-in-Fact

(c) Nothing in subsection (b) of this section precludes the use of any other legal form of execution of deed or other conveyance of real property.

26 Sec. 2. Section 47-6 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2012*):

28 Conveyances of real estate made to or by any corporation, or the
29 trustees of any voluntary association, may be [attested by witnesses
30 interested therein, and may be] acknowledged before properly
31 authorized persons who are [so] interested therein.

32 Sec. 3. Subsection (e) of section 42-116t of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2012*):

(e) If a work of fine art cannot be removed from a building without substantial physical defacement or alteration of such work, the rights and duties created under this section, unless expressly reserved by an instrument in writing signed by the owner of such building executed [and witnessed] in the same manner provided for deeds in section 47-5, as amended by this act, attested to by two witnesses with their own hands and properly recorded, shall be deemed waived. Such instrument, if properly recorded, shall be binding on subsequent owners of such building.

44 Sec. 4. Subsection (a) of section 45a-562 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective*
46 *October 1, 2012*):

47 (a) The subsequent disability or incompetence of a principal shall
48 not revoke or terminate the authority of any person who acts under a
49 power of attorney in a writing executed by the principal, if the writing
50 contains the words "this power of attorney shall not be affected by the
51 subsequent disability or incompetence of the principal," or words of
52 similar import showing the intent of the principal that the authority
53 conferred shall be exercisable notwithstanding the principal's
54 subsequent disability or incompetence; provided the power of attorney
55 is executed [and witnessed] in the same manner as provided for deeds
56 in section 47-5, as amended by this act and attested to by two witnesses
57 with their own hands.

58 Sec. 5. Section 12-171 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2012*):

60 Unless the context otherwise requires, "municipality", wherever
61 used in sections 12-172 to 12-177, inclusive, has the same meaning as
62 that given it in section 12-141; "town" includes each town, consolidated
63 town and city, and consolidated town and borough; and "tax" includes
64 (1) each property tax and each installment and part thereof due a
65 municipality as it may have been increased by interest, fees and
66 charges, and (2) each obligation to make a payment in lieu of such tax
67 with respect to any real estate, provided such obligation arises under
68 an agreement made by the owner or owners of such real estate, which
69 agreement shall (A) be in writing, (B) be [witnessed and]
70 acknowledged as required for a conveyance of land and attested to by
71 two witnesses with their own hands, (C) contain a legally sufficient
72 description of such real estate, (D) describe the nature and extent of the
73 obligation to make such payment in lieu of taxes, (E) expressly grant to
74 the municipality the lien described in this chapter on such real estate to
75 secure such obligation as it becomes due and payable, and (F) be

76 recorded in the land records of the municipality in which such real
77 estate is located.

78 Sec. 6. Subsection (a) of section 49-92a of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2012*):

81 (a) A purchaser's lien is created for the amount of the deposit paid
82 pursuant to and stated in a contract for the conveyance of land by the
83 recording of such contract, or a notice thereof, in the records of the
84 town in which the land is situated, provided the contract, or notice
85 thereof, is executed by the owner and by the vendee of the land,
86 [witnessed and] acknowledged in the same manner as required for a
87 deed for the conveyance of land and describes the particular land to
88 which it refers. Such purchaser's lien shall be prior to any other liens
89 and encumbrances originating after the contract, or notice thereof, is
90 recorded. A purchaser's lien may be foreclosed in the same manner as
91 a mortgage. Transfer of title of the land to the vendee constitutes a
92 release and discharge of the lien.

93 Sec. 7. Section 47-36c of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2012*):

95 The forms set forth in this section may be used and are sufficient for
96 their respective purposes. They shall be known as "Statutory Form"
97 and may be referred to as such. Nothing in this chapter precludes the
98 use of any other legal form of deed or mortgage.

99 WARRANTY DEED

100 of for consideration paid, grant to of with WARRANTY
101 COVENANTS

102 (Description and Encumbrances, if any

103 and any additional provisions)

T1 Signed this day of, 20...

T2 [Witnessed by:

T3]

T4 (Acknowledgment)

104 QUITCLAIM DEED

105 of for consideration paid, grant to of with QUITCLAIM

106 COVENANTS

107 (Description and any additional provisions)

T5 Signed this day of, 20...

T6 [Witnessed by:

T7]

T8 (Acknowledgment)

108 MORTGAGE DEED

109 of to secure payment of dollars with interest payable as

110 provided in a certain promissory note dated with final maturity on

111 grant to of with MORTGAGE COVENANTS

112 (Description and Encumbrances, if any

113 and any additional provisions)

114 This mortgage is made upon the STATUTORY CONDITION

T9 Signed this day of, 20...

T10 Witnessed by:

T11

T12 (Acknowledgment)

115 ASSIGNMENT OF MORTGAGE

116 of for consideration paid, assign to all interest in a
117 mortgage from to dated and recorded in Volume at Page
118 of the Connecticut Land Records.

T13 Signed this day of, 20...

T14 Witnessed by:
T15
T16 (Acknowledgment)

119 CONSERVATOR'S DEED

120 of conservator of the estate of, an incapable person, for
121 consideration paid, grant to with CONSERVATOR'S COVENANTS

122 (Description and Encumbrances, if any

123 and any additional provisions)

T17 Signed this day of, 20...

T18 Witnessed by:
T19
T20 (Acknowledgment)

124 TESTAMENTARY TRUSTEE'S DEED

125 of, trustee under article of the last will and testament,
126 late of, duly qualified as trustee, for consideration paid, grant to
127 with TESTAMENTARY TRUSTEE'S COVENANTS

128 (Description and Encumbrances if any

129 and any other provisions)

T21 Signed this day of, 20...

T22 Witnessed by:

T23

T24 (Acknowledgment)

130 EXECUTOR'S DEED

131 of duly qualified and authorized executor of the last will and

132 testament of late of for consideration paid, grant to with

133 EXECUTOR'S COVENANTS

134 (Description and Encumbrances if any

135 and any additional provisions)

T25 Signed this day of, 20...

T26 Witnessed by:

T27

T28 (Acknowledgment)

136 ADMINISTRATOR'S DEED

137 of duly qualified and authorized administrator of the estate of

138 late of for consideration paid, grant to with

139 ADMINISTRATOR'S COVENANTS

140 (Description and Encumbrances if any

141 and any additional provisions)

T29 Signed this day of, 20...

T30 Witnessed by:

T31

T32 (Acknowledgment)

142 TRUSTEE'S DEED

143 of, trustee under, duly qualified as trustee, for
144 consideration paid, grant to with TRUSTEE'S COVENANTS

145 (Description and Encumbrances if any

146 and any additional provisions)

T33 Signed this day of, 20...

T34 Witnessed by:

T35

T36 (Acknowledgment)

147 Sec. 8. Subsection (b) of section 52-380d of the general statutes is
148 repealed and the following is substituted in lieu thereof (*Effective*
149 *October 1, 2012*):

150 (b) A release of a judgment lien on real property is sufficient if (1)
151 the release specifies the names of the judgment creditor and judgment
152 debtor, the date of the lien, and the town and volume and page where
153 the judgment lien certificate is recorded, and (2) the signature of the
154 lienholder, attorney or personal representative is acknowledged [and
155 witnessed] in the same manner as a deed on real property. The town
156 clerk with whom the lien was recorded shall note such release as by
157 law provided and shall index the record of each such release under the
158 name of the judgment creditor and judgment debtor, except that a
159 manual notation of such release shall not be required if such town
160 clerk provides public access to an electronic indexing system that
161 combines the grantor index and the grantee index of the town's land
162 records.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	47-5
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Sec. 2	<i>October 1, 2012</i>	47-6
Sec. 3	<i>October 1, 2012</i>	42-116t(e)
Sec. 4	<i>October 1, 2012</i>	45a-562(a)
Sec. 5	<i>October 1, 2012</i>	12-171
Sec. 6	<i>October 1, 2012</i>	49-92a(a)
Sec. 7	<i>October 1, 2012</i>	47-36c
Sec. 8	<i>October 1, 2012</i>	52-380d(b)

Statement of Purpose:

To eliminate the requirement that conveyances of land be attested to by two witnesses and make conforming changes to various provisions of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]